

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

<p>Peakspeed, Inc.</p> <p>v.</p> <p>Timothy Emerson,</p>	<p>Plaintiff,</p> <p>Defendant.</p>	<p>Civil File No. 0:20-cv-01630-JRT-BRT</p> <p>DECLARATION OF TIMOTHY EMERSON IN SUPPORT OF HIS OPPOSITION TO PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION</p>
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I, Timothy Emerson, declare as follows:

1. I have personal knowledge of the facts recited herein and if called upon to testify concerning them under oath I would do so competently.
2. A true and correct copy of an email I sent on November 8, 2019 to Dave Eaton, Dan Eaton, Joe Greshik, and Matthew Baldin about my success in getting TrueView to run on an AWS F1 Instance is being filed as **Exhibit 3** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.
3. A true and correct copy of an email I sent on December 18, 2019 to Dave and Dan Eaton about AWS Marketplace Registration is being filed as **Exhibit 4** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.
4. True and correct copies the AWS Invoices for the EmersonAI account from March, April, May, and June 2020 are being attached as **Exhibit 9** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction.

5. A true and correct copy of the EmersonAI Sales and Marketing Plan Gantt chart that was created by David Eaton on November 26, 2019 is being filed as **Exhibit 10** to Defendant's Opposition to Peakspeed's Motion for Preliminary Injunction

6. Below is a true and correct screenshot of from EmersonAI's AWS account showing that the current balance of the AWS POC credit is \$1,184.30 out of the original \$2,500 credit that EmersonAI received as of September 1, 2020:

The screenshot shows the AWS Billing Credits page. At the top, it says "AWS Billing > Credits". Below that, the title "Credits" has an "Info" link. To the right is a red "Redeem credit" button. A search bar says "Find a credit". Below the search bar are buttons for sorting by "Expiration date", "Credit name", "Amount used", "Amount remaining", and "Applicable products". There is also a "Find a credit" search bar. The main table has one row. The columns are "Expiration date", "Credit name", "Amount used", "Amount remaining", and "Applicable products". The data is: 09/30/2020, AWS POC Credit, \$1,315.70, \$1,184.30, Elastic Load Balancing, Amazon Elastic Compute Cloud. At the bottom, it says "Total credit amount remaining as of 09/01/2020: \$1,184.30".

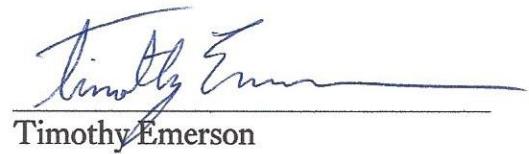
Expiration date	Credit name	Amount used	Amount remaining	Applicable products
09/30/2020	AWS POC Credit	\$1,315.70	\$1,184.30	Elastic Load Balancing, Amazon Elastic Compute Cloud

Total credit amount remaining as of 09/01/2020: \$1,184.30

7. EmersonAI's most valuable assets are its intellectual property, which includes the TrueView and IdentifAI source code.

8. If the Court grants Peakspeed's preliminary injunction EmersonAI will most likely go out of business because it will not be able to conduct any business or utilize its intellectual property to generate revenue.

I declare under penalty of perjury that the foregoing is true and correct. Executed on
September 30, 2020 in Fort Collins, CO.



Timothy Emerson

CHRIS EVANS FIRM LLC

Dated: September 30, 2020

By /s/ Christopher L. Evans
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